

AO 91 (Rev. 08/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States District Court  
Southern District of Texas  
FILED

JAN 12 2017

United States of America

1 Josaphat SOTO Jr., YOB: 1993, USC  
 2 Jose Juan GOMEZ Jr., YOB: 1991, USC  
 3 Jason Alexander SOTO, YOB: 1997, USC  
 4 Cornelio MATA, YOB: 1994, USC

Defendant(s)

Case No.

M-17-0066-M

Clark of Court

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 11, 2017 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 United States Code § 554

Did knowingly and unlawfully export or attempt to export from the U.S., any merchandise, article, or object, to wit: 1720 rounds of 7.62 caliber ammo, 100 rounds of 50 caliber ammunition, 6 rounds of 9mm ammunition, 37 magazines of 7.62 caliber and 1 Taurus 9mm handgun contrary to any law or regulation of the U.S., in that the defendant had not obtained a license or written authorization for such export, in violation of Title 22, U.S. Code, Sections 2778(b)(2), and Title 22, Code of Federal Regulations, Sections 121, 123, 127.  
 All in violation of Title 18, U.S. Code, Section 554

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

✓ Continued on the attached sheet.

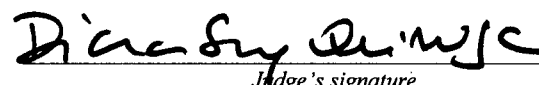


Complainant's signature

Cesar Robles, HSI Special Agent

Printed name and title

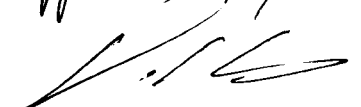
Sworn to before me and signed in my presence.

Date: 1/12/2017City and state: McAllen, Texas


Judge's signature

Diana  
 Song, U.S. Magistrate Judge

Printed name and title

Approved by David A. Lindenmuth  


## ATTACHEMENT A

On January 11, 2017, Homeland Security Investigations, McAllen, Texas (HSI McAllen) received a request for investigative assistance from the U.S. Customs and Border Protection/Office of Field Operations Officers (CBPOs) at the Hidalgo, Texas Port of Entry (POE) regarding the attempted export of defense articles.

On January 11, 2017, a white Chevrolet Equinox bearing Texas license plate DCX3601 attempted to go outbound through the Hidalgo, Texas Port of Entry through the prepaid lane toll booth without proper payment. The vehicle was encountered by Hidalgo, Texas Police Department (HPD) Officer B. Alanis and referred to outbound secondary due to an odor of marijuana emitting from the vehicle. HPD Officer Alanis advised Custom and Border Protection Officer (CBPO) E. Ramos regarding the vehicle. CBPO Ramos then took a negative binding declaration from the four passengers (Jason Alexander SOTO, Josaphat SOTO, Cornelio MATA, and Jose Juan GOMEZ) in the vehicle for the presence of currency in excess of \$10,000.00, weapons and ammunition. The driver, Jason Alexander SOTO, stated they were traveling from Hidalgo, Texas to Reynosa, Mexico.

All passengers were asked to exit the vehicle in outbound secondary for inspection. A canine inspection was conducted on the vehicle which resulted in a positive alert to the presence of currency or ammunition in the rear cargo area of the vehicle. An intrusive inspection of the cargo area resulted in the discovery of a large amount of ammunition and ammunition magazines concealed in the spare tire cargo area. A total of 1,720 rounds of 7.62 mm ammunition, 100 rounds of .50 caliber ammunition and 37- 7.62 mm ammunition magazines were found concealed in the vehicle.

After the discovery of the ammunition and magazines, Josaphat SOTO advised CBPOs that he had a handgun in the back waistband of his pant. CBPOs immediately secured the handgun, a Taurus Millennium 9 mm semi-automatic pistol loaded with 6 rounds of 9 mm ammunition, and secured all the passengers.

HSI McAllen responded to the Hidalgo POE and interviewed Jose Juan GOMEZ Jr. who admitted knowledge of the ammunition and magazines concealed in the vehicle. GOMEZ admitted he and the other three occupants in the vehicle were offered a job by a subject in Reynosa to buy ammo and magazines in the U.S. to smuggle into Reynosa, Mexico.

*Gomez*

~~SOTO~~ stated on January 11, 2017, they received \$800 U.S. Dollars (USD) and given a list of items to purchase from the subject. GOMEZ stated they purchased the ammo and magazines at Academy and Glick Twins in the McAllen area on January 11, 2017. GOMEZ stated the amount for all the items on the list totaled approximately \$1,400 USD and he and the other occupants each contributed \$200 USD to make up the difference. GOMEZ stated they were going to receive \$3,000 USD payment upon delivery of the items in Reynosa, Mexico which the four agreed to distribute evenly upon payment. SOTO also stated they were going to attempt to sell the handgun that was found in the possession of Josaphat SOTO to the subject that was requesting the ammunition.

HSI McAllen also interviewed Josephat SOTO who denied knowledge of the ammunition and magazines found concealed in the vehicle. SOTO did admit that he was smuggling the handgun found in his possession to Reynosa, Mexico because he felt he needed protection in Reynosa.

Gomez admitted to knowing it was illegal to take firearms, ammo, and currency over \$10,000.00 USD into Mexico from the posted signs at the Port of Entries.

Josephat Soto admitted to knowing it was illegal to smuggle the handgun to Mexico.